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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,066	09/01/2000	Claus Meder	4175-0102P	5955

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EXAMINER

FUREMAN, JARED

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 09/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,066

Applicant(s)

MEDER, CLAUS

Examiner

Jared J. Fureman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Receipt is acknowledged of the substitute specification and the amendment filed on 6/14/2002, which have been entered in the file. Claims 2-12 and 14-17 are pending.

Claim Objections

1. Claim 3 is objected to because of the following informalities: Claim 3, line 4: "said predetermined space" lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 10, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Jenkins et al (US 6,264,104 B1).

The admitted prior art teaches an operator unit for an X-ray examining apparatus having a monitor for displaying an X-ray image for an operator, the operator unit comprising: an operating field for being manipulated by the operator to operate the operating unit and thereby operate the X-ray examining apparatus and the monitor, and an identification system wherein the operator enters a digital code via the operator panel in order to identify the user (see page 1, lines 3-12, of the specification).

The admitted prior art fails to teach the identification system including an identification means for being carried by the operator and a counterpart device for being

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operatively coupled to the operating field, wherein the counterpart device is for activating the operating unit to a first mode of operation when the operator begins to operate the operating unit in at least partial response to information on the identification means read by the counterpart device, and for activating the operating unit to a second different mode of operation in at least partial response to information on the identification means read by the counterpart device when the operator stops operating the X-ray examining apparatus, wherein the counterpart device is a card reader and the identification means is a card, wherein the identification means is a contacting identification device, wherein the contacting device is a magnetic card, the counterpart device having a read mode by means of which the identification device is read with person-specific data, the counterpart device being integrated into the operating field, a live scanner being connected upstream from the identification system.

Jenkins et al teaches that the use of an identification system including a counterpart device and an identification means for an operator is an art recognized equivalent to entry of a digital code (a PIN) by the operator, the identification system including an identification means (a magnetic card, not shown) for being carried by the operator and a counterpart device (card reader 210A) for being operatively coupled to an operating field, wherein the counterpart device is for activating an operating unit (monitor 210, user interface buttons 208A) to a first mode of operation when the operator begins to operate the operating unit in at least partial response to information on the identification means read by the counterpart device (after the user inserts their magnetic card and the user has been identified the control unit 600 controls the display

210 to display a main menu, thus activating and allowing use of the device), and for activating the operating unit to a second different mode of operation in at least partial response to information on the identification means read by the counterpart device when the operator stops operating the apparatus (naturally, when the user removes their magnetic card the control unit 600 will stop the display of the main menu and disable operation of the device), wherein the counterpart device is a card reader and the identification means is a card, wherein the identification means is a contacting identification device, wherein the contacting device is a magnetic card, the counterpart device having a read mode by means of which the identification device is read with person-specific data (the identification information stored on the magnetic card), the counterpart device is integrated into the operating field (see figures 1-3, column 2 lines 24-27, column 5 lines 25-32, and column 6 lines 30-43). Jenkins et al also teaches that a fingerprint may be used for identification purposes, thus requiring a live scanner being connected upstream from the identification system (see column 2, lines 24-27).

In view of Jenkins et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system, as taught by the admitted prior art, to include: the identification system including an identification means for being carried by the operator and a counterpart device for being operatively coupled to the operating field, wherein the counterpart device is for activating the operating unit to a first mode of operation when the operator begins to operate the operating unit in at least partial response to information on the identification means read by the counterpart device, and for activating the operating unit to a second different mode of operation in at

least partial response to information on the identification means read by the counterpart device when the operator stops operating the X-ray examining apparatus, wherein the counterpart device is a card reader and the identification means is a card, wherein the identification means is a contacting identification device, the counterpart device having a read mode by means of which the identification device is read with person-specific data, wherein the contacting device is a magnetic card, the counterpart device being integrated into the operating field, a live scanner being connected upstream from the identification system, since the use of a magnetic cards and fingerprints are an art recognized functional equivalent to entry of a digital code (a PIN) for operator identification

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as modified by Jenkins et al as applied to claim 15 above, and further in view of Davis et al (US 6,088,450).

The admitted prior art as modified by Jenkins fails to teach the card and card reader being structured such that the card reader can read the card with the card remaining attached to the operator, the card can remain attached to the operator when the identification means is in a predetermined space so that the identification means is automatically moved from the predetermined space when the operator leaves the operating field.

Davis et al teaches an identification system including a card (token 120 which may be an identification badge) and card reader (within computer 110), the card and card reader being structured such that the card reader can read the card with the card

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remaining attached to the operator (the token is worn by the user), the card can remain attached to the operator when the identification means is in a predetermined space so that the identification means is automatically moved from the predetermined space when the operator leaves the operating field (see figure 1, column 2 lines 25-57, column 3 line 52 - column 4 line 28, column 5 lines 24-33, and column 6 line 10 - column 7 line 11).

In view of Davis et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by the admitted prior art as modified by Jenkins et al, the card and card reader being structured such that the card reader can read the card with the card remaining attached to the operator, the card can remain attached to the operator when the identification means is in a predetermined space so that the identification means is automatically moved from the predetermined space when the operator leaves the operating field, in order to substantially eliminate the chance of mistakenly leaving the identification device when the user is finished operating the device.

5. Claims 5-7 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as modified by Jenkins et al as applied to claim 15 above, and further in view of Xydis (US 6,070,240) and Davis et al.

The admitted prior art as modified by Jenkins et al fails to teach the identification device being an identification device which operates without contact, the identification device being a transponder which works together with the counterpart device of the identification system without contact, the non-contact link between the identification

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device and the counterpart device being maintained within a local area proximate to the operating field, the operator unit being cleared by the identification device upon the operator unit entering the second different mode of operation upon the operator moving the identification means away from the predetermined space, the counterpart device activating the operating unit to the first mode of operation in at least partial response to the operator carrying the identification means moving the identification means within a predetermined space relative to the counterpart device at which the operator carrying the identification device can manipulate the operating field and for activating the operating unit to the second different mode of operation in at least partial response to the operator moving the identification means away from the predetermined space, wherein the identification means is for automatically activating the operating unit to the second different mode of operation in response to the operator moving the identification means away from the predetermined space.

Xydis teaches an identification system including the use of an identification device which operates without contact, the identification device being a transponder (22) which works together with a counterpart device (transceiver 20) of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area (the operating range of transceiver 20 and transponder 22) proximate to an operating field, an operator unit (computer 12, monitor 14, keyboard 16) being cleared by the identification device upon the operator unit entering the second different mode of operation upon the operator moving the identification means away from the predetermined space, the counterpart

device activating the operating unit to the first mode of operation (wherein the computer grants access to the user) in at least partial response to the operator carrying the identification means moving the identification means within a predetermined space (the operating range of transceiver 20 and transponder 22) relative to the counterpart device at which the operator carrying the identification device can manipulate the operating field and for activating the operating unit to the second different mode (the computer is locked) of operation in at least partial response to the operator moving the identification means away from the predetermined space, wherein the identification means is for automatically activating the operating unit to the second different mode of operation in response to the operator moving the identification means away from the predetermined space (see figures 1, 2, column 1 lines 23-63, column 2 line 24 - column 3 line 25, column 3 lines 35-50, column 3 line 62 - column 4 line 17).

In view of Xydis' teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system, as taught by the admitted prior art as modified by Jenkins et al, to include: the identification device being an identification device which operates without contact, the identification device being a transponder which works together with the counterpart device of the identification system without contact, the non-contact link between the identification device and the counterpart device being maintained within a local area proximate to the operating field, the operator unit being cleared by the identification device upon the operator unit entering the second different mode of operation upon the operator moving the identification means away from the predetermined space, the counterpart device

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activating the operating unit to the first mode of operation in at least partial response to the operator carrying the identification means moving the identification means within a predetermined space relative to the counterpart device at which the operator carrying the identification device can manipulate the operating field and for activating the operating unit to the second different mode of operation in at least partial response to the operator moving the identification means away from the predetermined space, wherein the identification means is for automatically activating the operating unit to the second different mode of operation in response to the operator moving the identification means away from the predetermined space, in order to provide automatic identification of the operator without requiring the operator to swipe/insert a magnetic card, thus, creating a more efficient system.

The admitted prior art as modified by Jenkins et al and Xydis fails to teach that the identification device can remain attached to the operator when the identification means is in the predetermined space whereby the identification means is automatically moved from the predetermined space when the operator leaves the operating field.

The teachings of Davis et al have been discussed above.

In view of Davis et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by the admitted prior art as modified by Jenkins et al and Xydis, the identification device can remain attached to the operator when the identification means is in the predetermined space whereby the identification means is automatically moved from the predetermined space when the operator leaves the operating field, in order to substantially eliminate

the chance of mistakenly leaving the identification device when the user is finished operating the device.

6. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as modified by Jenkins et al as applied to claims 8 and 15 above, and further in view of Zanchi (US 5,814,798).

The admitted prior art as modified by Jenkins et al fails to teach a read mode by means of which the identification device is read from and the read data being recorded in various X-ray apparatuses and is caused to be combined and stored centrally on the identification device, an individual instrument setting is accomplished by means of the identification device.

Zanchi teaches an identification system including an identification device (105), wherein there is a read mode by means of which the identification device is read from and read data (preferences) is recorded in various apparatuses (101, 111, 121, 131, 141) and is caused to be combined and stored centrally on the identification device, an individual instrument setting (for example, display attributes) is accomplished by means of the identification device (see figures 1-5, column 2 lines 58-65, and column 3 lines 6-24).

In view of Zanchi's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by the admitted prior art as modified by Jenkins et al, a read mode by means of which the identification device is read from and the read data being recorded in various X-ray apparatuses and is caused to be combined and stored centrally on the identification

device, an individual instrument setting is accomplished by means of the identification device, in order to automatically customize the apparatus to the individual operator, thus alleviating the need for the operator to manually customize the apparatus to their preferences.

Response to Arguments

7. Applicant's arguments filed 6/14/2002 have been fully considered but they are not persuasive.

In response to applicant's argument that Jenkins et al is nonanalogous art (see page 8 of the amendment filed on 6/14/2002), it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Jenkins et al is reasonable pertinent to the particular problem with which the applicant was concerned, namely, the identification of users using an electronic device.

In response to applicant's argument that none of the documents applied by the examiner are associated with X-ray examining devices, but describe various identification systems (see pages 8, 9, 11, and 12 of the amendment filed on 6/14/2002), while the applied references do not specifically teach the respective identification systems being applied to X-ray examining devices, the references teach that the identification systems can be applied to electronic devices and computers. Obviously, a person having ordinary skill in the art at the time of the invention

recognizes that an X-ray examining device is an electronic/computing device. Thus, combining the identification systems with an X-ray device would have been well within the ordinary skill in the art at the time of the invention.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the identification system can provide information to the X-ray examining apparatus for customizing the manner in which the X-ray examining apparatus functions for a particular operator, see pages 9-10 of the amendment filed on 6/14/2002) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, note that Zanco teaches customizing the manner in which devices function for a particular operator (see column 2 lines 58-65).

In response to applicant's argument that none of the references cited concern an identification means that provides continuous and automatic identification over periods of time (see page 11 of the amendment filed on 6/14/2002), the examiner respectfully disagrees. Xydis (see figures 1, 2, column 1 lines 23-63, column 2 line 24 - column 3 line 25, column 3 lines 35-50, column 3 line 62 - column 4 line 17) and Davis et al (see figure 1, column 2 lines 25-57, column 3 line 52 - column 4 line 28, column 5 lines 24-33, and column 6 line 10 - column 7 line 11) both teach continuous and automatic identification over periods of time.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tamakoshi et al (US 2002/0063226 A1) teaches an identification system for use with an X-ray device.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (703) 305-0424. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


jjf

September 9, 2002


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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